



## CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION

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### MINUTES SEPTEMBER 12, 2006

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The meeting was called to order by Chairman Jack Knapp Jr. at 7:30 PM.

Present were Theresa Buzaid, Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Helen Hoffstaetter, Richard P. Jowdy, Jack H. Knapp, Robert Melillo, and Alternate Victoria Hickey. Also present was Deputy Planning Director Sharon Calitro.

Absent were Donald Kennedy and Alternate Joseph Notaro Jr.

Chairman Knapp asked Ms. Hickey to take Mr. Kennedy's place for the items on tonight's agenda. He then announced that Alternate Jean Anderson has resigned from the Commission.

Chairman Knapp led the Commission in the Pledge of Allegiance.

Mr. Melillo made a motion to accept the minutes of August 8, 2006 & August 22, 2006. Mr. Farah seconded the motion and it was passed unanimously.

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### PUBLIC HEARING:

7:30 PM – Petition of EPG Fuel Cell, LLC to Amend Secs. 2.B., 6.A.2.a., 6.A.4., 6.B.2.a. & 6.B.4. of the Zoning Regulations. (Add "Fuel Cell Generation Facility" as a Permitted Use in the IL-40 & IG-80 Zones)

Ms. Hoffstaetter read the legal notice. Chairman Knapp read the Planning Dept. Staff Report dated August 14, 2006. Mr. Farah read the Planning Commission recommendation which was positive.

Attorney Paul Jaber spoke in favor of this petition. He introduced Robert Babcock, President of Elemental Power Group, parent group for Fuel Cell Energy Group Danbury and Frank Wollack, President of Fuel Cell Energy Group, Danbury. He said this proposal is for a specific site but they want to allow it in both industrial zones. He said this is a complex process but the Staff Report gave a good definition of what a fuel cell actually does. They included design requirements which would further limit where these facilities could be placed and the amount of megawatts is limited by the State. This will have a positive impact on the tax base. He submitted a letter from the Mayor (designated Exhibit A). Chairman Knapp reminded the Commission that although they are aware of the specific site that this project is being proposed for, if this amendment is approved, it would be allowed on any properties that are zoned IL-40 or IG-80.

Mr. Babcock then said the grid in Southwestern CT is weak and there is more power needed than presently is available. These types of power plants need gas water and sewer and proximity to local power substation. This location will improve reliability and it also helps that Fuel Cell Energy is actually located in Danbury, so routine maintenance can be done easier. He said it is good to have different kinds of energy available especially renewable energy. Different states have laws which require a percentage of renewable energy (renewable energy standards) and the State of CT allows class one renewable. This will help the State comply with its renewable portfolio standard. Utilities are required to purchase 3.57 % of their power from renewable sources. Renewable power is very much needed in the State of CT, since we don't have a lot of natural resources; not enough wind or sunshine and no available rivers. They want to get 100 megawatts onto the grid as soon as possible. This will be over a 100 million dollar project, which will employ some City residents in high tech positions. The site is now a vacant lot, which is not generating property taxes. There are zero emissions out of this so the negative impacts are few. He tried to describe the appearance in simple terms. The actual fuel cell is the size of a credit card; these are put together into stacks. This project proposes eleven stacks, but it does not resemble a sub station. There is no noise and most people wouldn't even know what it is. It will blend into the neighborhood. Mr. Jowdy asked how the consumer would benefit from this. Mr. Babcock said the consumer is not involved; they sell the power directly to utility companies. Ms. Hoffstaetter asked who owns this land and Mr. Babcock said JAR Associates, which is the Rizzo family. She then asked if they have approval from the CT Clean Energy Fund. Mr. Babcock said not yet, but they hope to receive it soon. Mrs. Buzaid asked where they are from and he said New York, but they look to develop projects based on what the areas have to offer. This is the first fuel cell project of this kind. Ms. Hoffstaetter asked if there is a possibility that this will become competitive with other technologies. Mr. Babcock said yes. She then asked if there is a long range strategic plan to get to a point of renewable energy. Mr. Babcock said their end goal is for 10% to be renewable, which will reduce the reliance on fossil fuels. Ms. Hoffstaetter asked if this will end up being a of 30 ft. high stacks. Mr. Babcock said that is not exactly how they are designing it; they would like to have fewer than eleven. Frank Warwick then spoke briefly regarding the question of height. Each plant has a height but that is based on being tall enough so person can stand on top of it. He said they have been operating on Great Pasture Rd. since the 1970's. Chairman Knapp verified the location that they have in mind for this. Attorney Jaber showed them an aerial photo and said this is across from Republic Foil, it was the former site of Carey Industries. Mr. Haddad asked how they will get the energy from there to the substation and Attorney Jaber said underground.

Chairman Knapp asked if there was anyone to speak in opposition and there was no one.

Mr. DiCaprio made a motion to close this public hearing. Mr. Melillo seconded the motion and it was passed unanimously. Ms. Hoffstaetter then made a motion to move this to number two under the Old Business on tonight's agenda. Mr. Farah seconded the motion and it was passed unanimously.

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OLD BUSINESS:

Petition of WCI Communities Inc. to Revise the Master Plan for the Reserve which was originally approved November 26, 2002 and revised September 28, 2004. (Amend Sec. 14d - Stormwater Management and Public Utilities) Public hearing closed August 22, 2006 – decision must be made by October 25, 2006.

Mr. Haddad excused himself as he is abstaining from this matter. Chairman Knapp said that Mr. Jowdy had listened to the tapes of the public hearing. He then said that members who eligible to vote and present this evening are Buzaid, DiCaprio, Farah, Hoffstaetter, Jowdy, Knapp, and Melillo. After brief discussion about whether or not to vote on this tonight, the Commission decided to ask the applicant's attorney whether they should wait to vote on until more members are present. Attorney Jaber said that they should wait. Mr. DiCaprio made a motion to table this matter. Mr. Melillo seconded the motion and it was passed unanimously by voice vote. Chairman Knapp said that is probably the most prudent way, since with two members absent, they would be starting out with two negative votes. He asked Ms. Hickey to listen to the tapes so she too would be eligible to vote on this.

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Petition of EPG Fuel Cell, LLC to Amend Secs. 2.B., 6.A.2.a., 6.A.4., 6.B.2.a. & 6.B.4. of the Zoning Regulations. (Add "Fuel Cell Generation Facility" as a Permitted Use in the IL-40 & IG-80 Zones)

Ms. Hoffstaetter made a motion to approve this for the following reasons

- This use was never contemplated when the Zoning Regulations were adopted, but Fuel Cell technology is now recognized as an alternative form of power generation. This amendment will allow the Regulations to include the current technology, methods and uses.

Mr. DiCaprio seconded the motion and it was passed unanimously by voice vote.

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NEW BUSINESS:

Petition of 3B Properties LLC, 46 Mill Plain Rd. (#D15005) for a Special Permit for Restaurant Liquor License. Public hearing scheduled for September 26, 2006.

Chairman Knapp said this petition would be on file in the Planning & Zoning Office.

There was one Cease & Desist Order listed under Correspondence and there was one public hearing scheduled for September 26, 2006 under For Reference Only. There was nothing under Other Matters.

At 9:00 PM, Mr. Jowdy made a motion to adjourn. Mr. Haddad seconded the motion and it was passed unanimously by voice vote.